

APPEAL NO. 020611  
FILED APRIL 23, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on February 15, 2002, the hearing officer determined that the appellant (claimant) did not sustain a compensable heart attack on \_\_\_\_\_, and that he did not have disability. The claimant has appealed these determinations on evidentiary sufficiency grounds. The respondent (carrier) has filed a response urging the sufficiency of the evidence to support an affirmance.

DECISION

Affirmed.

The claimant, who testified that he is 47 years of age and has been a welder for approximately 30 years, acknowledged that in October 1997 and in June 1999, he had myocardial infarctions (MI) treated with angioplasty procedures and the emplacement of stents in a coronary artery; that he carried nitroglycerin with him at all times and used it several times a month for angina pectoris attacks; and that he lost 49 pounds after the first MI but gained it all back and more. The medical records reflect that he had been diagnosed with morbid obesity, hyperlipidemia, and hypertension at the time of the first MI and that he weighed 380 pounds when admitted to a hospital on August 17, 2000, where he was diagnosed with cellulitis of a lower extremity, chest pain, hyperlipidemia, hypertension, coronary vascular disease, and morbid obesity. The claimant further testified that on \_\_\_\_\_, his first day of work for the employer, he arrived at a work site at 7:00 A.M. and just followed the supervisor around for the first hour; that he then used a cutting torch to cut some bolts off the concrete floor for about one hour; that he moved some sheet-metal plates for about one to one and one-half hours; that he helped three coworkers move some very heavy iron staircase railings up several flights of stairs in the very hot building being constructed; and that he cut some more bolts for about 30 minutes before he was to take the morning break. He said that towards the end of that last task, he felt very hot and exhausted and began to have chest pain, shortness of breath, and dizziness and that he was taken to a hospital where he was diagnosed with another MI, which was treated with angioplasty and a stent. The claimant contended that the exertion involved in moving the heavy staircase railings in the hot building caused the MI, and he introduced correspondence from his treating cardiologist supporting his contention. The carrier introduced the report of a doctor, board certified in thoracic and cardiovascular medicine, who reviewed the medical records and opined to the effect that the work environment was not causative of the claimant's "heart attack" but rather that it was due to a progressive coronary artery disease process of over five years; that it is questionable whether the claimant even had a "heart attack"; that if he did, it cannot be localized to a definite time and place and there is no evidence it was triggered by a specific stimulus at work; and that the natural progression of his disease would be "a more substantial factor" than any specific work activity.

The compensability of heart attacks is governed by the provisions of Section 408.008, which requires, for compensability, that the attack be identified as having occurred at a definite time and place; that it be caused by a specific event occurring in the course and scope of employment; that the preponderance of the medical evidence regarding the attack indicates that the employee's work rather than the natural progression of a preexisting heart condition or disease was a substantial contributing factor of the attack; and that the attack was not triggered solely by emotional or mental stress factors unless it was precipitated by a sudden stimulus. The decision in Texas Workers' Compensation Commission Appeal No. 012071-s, decided October 18, 2001, contains a summary of the pertinent Appeals Panel case law construing this statute.

We are satisfied that the hearing officer's findings and conclusions which are challenged by the claimant for evidentiary insufficiency are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **THE ST. PAUL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert W. Potts  
Appeals Judge